

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA


Raymond E. Chestnut,)	C/A No.: 1:17-2197-RBH-SVH
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Bonita Mosley, Warden,)	
)	
Respondent.)	
)	
)	

Petitioner, proceeding pro se, brought this action requesting a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Respondent filed a motion to dismiss, or in the alternative for summary judgment, on January 8, 2018. [ECF No. 22]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion and of the need for him to file an adequate response by February 8, 2018. [ECF No. 23]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case. On February 5, 2018, the undersigned extended Petitioner's deadline until March 8, 2018. [ECF No. 26].

Notwithstanding the specific warning and instructions set forth in the

court's *Roseboro* order, Petitioner has failed to respond to the motion.¹ As such, it appears to the court that he does not oppose the motion. Based on the foregoing, the undersigned orders Petitioner to advise the court as to whether he wishes to continue with this case and to file a response to Respondent's motion to dismiss, or in the alternative, for summary judgment by March 28, 2018. Petitioner is further advised that if he fails to respond, the undersigned will recommend this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



March 14, 2018
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge

¹ On February 12, 2017, Petitioner submitted his second motion to appoint counsel in this case, claiming in part that he did not have adequate paper or access to the law library. [ECF No. 28]. In denying the motion, the undersigned noted that Petitioner had filed 61 civil action in federal courts in the prior two years. [ECF No. 29].